



RESPONSES TO INFORMATION REQUESTS (RIRs)

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15 March 2004

ZZZ42479.E

Egypt/Lebanon: Egyptian mother's right to custody of her Egyptian-born children in case of divorce with a Lebanese national; children's right to citizenship if mother is granted custody; permission required for these children to travel outside of Egypt; risk that these children would be deported to Lebanon
Research Directorate, Immigration and Refugee Board, Ottawa

In the case of divorce, Egyptian law allows mothers to have custody of their male children until the age of 10 and their female children until the age of 12, with the possibility of extending custody of her son until he is 15 and of her daughter until she is married (CEDAW 30 Mar. 2000). Fathers have the right to see their children during the period of maternal custody, and they are responsible for the financial support of the children (ibid.).

In a telephone interview on 10 March 2004, a spokesperson for the Embassy of the Arab Republic of Egypt provided the following information to the Research Directorate.

Currently, the law on Egyptian nationality is pending possible amendments in the Egyptian parliament. In the past, children only bore the nationality of their fathers; thus, in this case, they would only be considered Lebanese citizens. However, amendments to the law have made it presently possible for an Egyptian mother to pass on her citizenship to her children despite the fact that the father has a different nationality, although there are several restrictions. For example, one restriction is that such children must reside in Egypt for a minimum of ten years in order to be eligible for Egyptian citizenship. If the Egyptian parliament eventually passes the nationality bill currently being debated, these restrictions will all be removed.

Children born of an Egyptian mother and a father with another citizenship have the right to remain in the territory of Egypt, whether their parents are married or divorced. Such children must nevertheless apply each year to renew their status as residents of Egypt, but if their mother is Egyptian the renewal is automatic. Egyptian residents who are not citizens face several restrictions, including higher university tuition fees (Embassy 10 March 2004), restricted access to public schools and health insurance, and inadmissibility from certain jobs (CRIN 26 Jan. 2001). Nevertheless, in December 1994, the Ministry of Education promulgated Decree No. 353 which stipulated that "immigrant students who were the offspring of divorced or widowed Egyptian mothers and who could demonstrate need from the payment of fees in State schools [would be accorded] full equality with Egyptians in regard to financial treatment" (CEDAW 30 Mar. 2000).

Non-Egyptian children who travel with their Egyptian mother outside of Egypt do not require special permission to exit the country, and no special restrictions apply (Embassy 10 Mar. 2004). Furthermore, Egypt would not deport such children to Lebanon or any other country, and even if their Lebanese father brought them outside of the country against their will, the fact that their mother (who has custody) is Egyptian would be considered in any negotiations to return the children to Egypt (ibid.).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum. Please find below the list of additional sources consulted in researching this Information Request.

References

Child Rights Information Network (CRIN). 26 January 2001. "NGOs Report on the Rights of the Child in Egypt." <http://www.crin.org/docs/resources/treaties/CRC.26/egypt_ngo_report.pdf> [Accessed 10 Mar. 2004]

Embassy of the Arab Republic of Egypt. 10 March 2004. Telephone interview with Second Secretary.

United Nations, Committee on the Elimination of Discrimination Against Women (CEDAW). 30 March 2004. "Egypt." <<http://www.un.org/womenwatch/daw/cedaw/cedaw24/cedawcegy45.pdf>> [Accessed 10 Mar. 2004]

Additional Sources Consulted

Unsuccessful attempt to contact one oral source

Internet Sites, including: Amnesty International, Human Rights Watch, UNHCR, US Department of State

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